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Shang-Che Cheng

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BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

NEURAUTER, GEORGE C

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/003,315	<b>Applicant(s)</b> CHENG ET AL.	
	<b>Examiner</b> George C. Neurauter, Jr.	<b>Art Unit</b> 2443	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-15 are currently presented and have been examined.

In view of the appeal brief filed on 16 February 2010, PROSECUTION IS  
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the  
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply  
under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed  
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and  
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth  
in 37 CFR 41.20 have been increased since they were previously paid, then appellant  
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by  
signing below:

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2443

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of  
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the  
conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is  
directed to non-statutory subject matter.

MPEP 2106.01 states:

“Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material.”

Claims 1-5 recite a system that comprises “a plurality of target application interfaces” and a “global management engine” which, based on the disclosures of the specification, may be reasonably interpreted as being embodied only as software and therefore renders the system to be only a software system *per se*. Therefore, the claims recite a computer program that does not recite a non-transitory computer readable medium, therefore, these claims are considered to be nonstatutory functional descriptive material since the computer program’s functionality cannot be realized.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim elements “means for converting a protocol of the respective data source to a predetermined protocol and said predetermined protocol to said protocol of the respective data source”, “means for periodically reading data representing current content from the multiplicity of interrelated data sources identified as provider sites by said site-to-site relationship manager according to a predetermined schedule” and “means for comparing said periodically read data representing current content with data representing prior content to identify content changes at a respective provider site” within claims 1-5 are means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. There appears to be no disclosure whatsoever in the detailed description of the corresponding structure, material, or acts for these limitations.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function.

For more information, see 37 CFR 1.75(d) and MPEP 2181 and 608.01(o).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6 623 529 to Lakritz.

Regarding claim 1, Lakritz discloses a globalization management system for managing resources of multiple interrelated data sources corresponding to a plurality of sites accessed through a communications network ("country/language database and file systems"), comprising:

a plurality of target application interfaces ("adaptors"), each of said target application interfaces being respectively coupled to at least one of the interrelated data sources through the communications network (column 10, lines 40-42), each of said target application interfaces including means for converting a protocol of the respective data source ("original format") to a predetermined protocol ("internal format") and said predetermined protocol to said protocol of the respective data source (column 9, lines 4-9; column 10, lines 40-42; column 11, lines 36-60); and

a global management engine (“Workflow Manager”) coupled to said plurality of target application interfaces, said global management engine communicating with each of said target application interfaces with said predetermined protocol (column 11, lines 28-60; column 9, line 64-column 10, line 4), said global management engine including (a) a site-to-site relationship manager for identifying provider (“master site”) and subscriber (“site” that has “documents that require translation”) relationships, language translation, and localization requirements between the multiplicity of interrelated data sources, (column 9, lines 44-47; column 9, line 64-column 10, line 4) (b) means for reading data representing current content from the multiplicity of interrelated data sources identified as provider sites by said site-to-site relationship manager, (c) means for comparing said data representing current content with read data representing prior content to identify content changes at a respective provider site (column 9, lines 44-47), and (d) a project manager for transferring said data identified as a content change by said comparing means to at least one of said interrelated data sources identified as a subscriber site by said site-to-site relationship manager (column 11, lines 17-60).

Lakritz did not explicitly teach periodically reading data representing current content from the multiplicity of interrelated data sources according to a predetermined schedule, however, Lakritx did teach reading the data upon a comparison of said data representing current content with read data representing prior content to identify content changes at a respective provider site and a determination that the data representing current content from the multiplicity of interrelated data sources has changed as shown above.



It would have been obvious to one skilled in the art at the time the invention was made to simply substitute the method of periodically reading data and comparing such data with previously read data in order to determine any changes in the data with the method of automatically detecting changes in data based on the detection of changes in the data as described in Lakritz since it would have been obvious to one skilled in the art that both methods achieve the same function of detection of changes in data and would have recognized that the substitution of the method disclosed in Lakritz with the method as claimed would have not adversely affected the operation of the invention as the results of both methods achieve the same result without affecting any other operation of the invention and would have found the resulting substitution to have predictable results.

Lakritz also did not explicitly teach automatically transferring the data identified as a content change to at least one of the interrelated data sources identified as a subscriber site, however, Lakritz did disclose transferring the data identified as a content change to at least one of the interrelated data sources identified as a subscriber site. It has been held that making a manual process into an automatic process would involved only routine skill in the art. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Regarding claim 2, Lakritz discloses the globalization management system as recited in claim 1 where said project manager includes means for transferring said data identified as a content change by said comparing means to a language translation site ("translation resources") through the communications network responsive to said site-to-

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site relationship manager identifying said content change data as requiring language translation, said project manager including means for receiving data from said language translation site and transferring said received data to at least one of said interrelated data sources identified as subscriber site. (column 9, lines 44-47; column 11, lines 17-60)

Regarding claim 3, Lakritz discloses the globalization management system as recited in claim 1 where said project manager includes means for localizing said data identified as a content change by said comparing means responsive to said site-to-site relationship manager identifying said content change data as requiring localization. (column 12, lines 20-61)

Regarding claim 4, Lakritz discloses the globalization management system as recited in claim 1 where said global management engine is implemented on a server coupled to the communications network. (column 14, lines 38-48)

Regarding claim 5, Lakritz discloses the globalization management system as recited in claim 1 where said current content from the interrelated data sources is stored in a repository selected from the group consisting of a database system, a file system, a content management system and a combination thereof. ("country/language database and file systems") (see also column 10, lines 27-30 and 40-42)

Claims 6-14 are also rejected since these claims recite a method that contain substantially the same limitations as recited in claims 1-3.

Regarding claim 15, Lakritz discloses the method as recited in claim 1 where said step of identifying includes the step of identifying site content requiring copying of

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said content for a predetermined site content subscriber as shown above regarding claim 14.

Lakritz does not expressly disclose wherein the identification step associates a HIDE flag with the site content requiring copying, however, Lakritz does disclose that the site content requiring copying is noted by the globalization management system. (column 9, lines 44-47)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lakritz since the reference suggests that the site content requiring copying is noted by the globalization management system and that this notation is used to determine which site content requires content (column 9, lines 44-57). In view of these suggestions and teachings shown above, one of ordinary skill would have found it obvious to modify the reference so that any sort of notation associated with the site content including the use of a flag in order for the site content to be designated to be copied.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571)272-3918. The examiner can normally be reached on the hours between 8:30am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Neurauter, Jr./  
Primary Examiner, Art Unit 2443